IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 3448 OF 2003

Sanjay Srichand Bajaj ...Plaintiffs

vs.

Heena Engineering Corporation

and anr. ...Defendants

Ms. Kavita S. Lalwani, advocate

for the plaintiffs.

None for the defendants.

CORAM: SMT. NISHITA MHATRE, J.

DATE : 27TH MARCH, 2006.

P.C. :

1. The Demand Bill of Exchange was drawn on the Defendant no.2 in favour of the plaintiff for

sum of Rs.75,000/-. The said Demand Bill of Exchange was accepted by the Defendant no.2 for payment. The defendant had paid interest on 29.09.2001. Thereafter the plaintiff presented the demand bill of exchange for payment to defendant no.2. However both the defendants had dishonoured the bill. The plaintiff called upon the defendant to pay the amount on several occasions. However the amount has remained unpaid. Ultimately by a letter dated 2.5.2003 the plaintiff through his advocate called upon the defendants to pay the sum of Rs.75,000/- alongwith interest at the rate of 18% p.a. By their letter of 14.5.2003 the defendants have admitted their liability.

2. No appearance is filed in the present suit. The plaintiff is therefore seeking an ex-parte decree in the summary suit.

3. The plaintiff has produced the Demand Bill of Exchange dated 10.12.1998, the plaintiff’s advocate’s letter and the defendants

letter dated 14.5.2003 indicating that the amount has admittedly remained unpaid.

4. In such circumstances I am of the view that the documents produced on record support the pleadings in the plaint and therefore the plaintiff is entitled to the decree.

5. Suit decreed as prayed.

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